

Mail Stop Interference  
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Paper 1  
Filed: April 6, 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Institut National de la Recherche Agronomique,  
Junior Party  
(Application 10/613,053  
Inventors : Jun Imamura, Hideya Fujimoto, Ritsuko Yanagidate,  
Nobuya Koizuka, Takako Sakai and Takahiko Hayakawa),

v.

BASF Plant Science GMBH , McGill University,  
and DNA Landmarks, Inc.,  
Senior Party  
(Patent 7,314,971  
Inventors: Fang-Ming Lai, Charles Dendy, Natasa Formanova,  
Gregory G. Brown, Benoit S. Landry, Wing Cheung,  
Hua Jin and Martin LaForest).

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Patent Interference No. 105,682 (RES)  
(Technology Center 1600)

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DECLARATION - Bd.R. 203(b)

1 Part A. Declaration of interference

2 An interference is declared (35 U.S.C. § 135(a)) between the above-  
3 identified parties. Details of the application(s), patent (if any), reissue  
4 application (if any), count(s) and claims designated as corresponding or as  
5 not corresponding to the count(s) appear in Parts D and E of this  
6 DECLARATION.

7 Part B. Judge managing the interference

8 Administrative Patent Judge Richard E. Schafer has been designated  
9 to manage the interference. Bd. R. 104(a).

10 Part C. Standing order

11 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies  
12 this DECLARATION. The STANDING ORDER applies to this  
13 interference.

14 Part D. Identification and order of the parties

15 Junior Party

16 Named inventors: Jun Imamura  
17 Hideya Fujimoto  
18 Ritsuko Yanagidate  
19 Nobuya Koizuka  
20 Takako Sakai  
21 Takahiko Hayakawa

22 Involved Application: 10/613,053 filed July 7, 2003

23 Title: Protein Involved in Restoration of Cytoplasmic  
24 Male Sterility to Fertility and  
25 Gene Encoding the Protein and Gene

26 Assignee of Record: Institut National de la Recherche Agronomique

1 Senior Party

2 Named Inventors: Gregory G. Brown  
3 Charles Dendy  
4 Benoit S. Landry  
5 Wing Cheung  
6 Hua Jin  
7 Fang-Ming Lai  
8 Natasa Formanova  
9 Martin LaForest

10 Involved Patent: 7,314, 971 issued from Application  
11 10/345,072 filed January 15, 2003

12 Title: Nuclear Fertility Restorer Genes and  
13 Methods of use in Plants

14 Assignees of Record: BASF Plant Science GMBH  
15 McGill University  
16 DNA Landmarks, Inc.

17

18 The senior party is assigned exhibit numbers 1001-1999. The junior  
19 party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1);  
20 SO ¶ 154.2.1. The senior party is responsible for initiating settlement  
21 discussions. SO ¶ 126.1.

22 Part E. Count, claims and benefit of the parties

23 Count 1

24 To be determined.<sup>1</sup>

25

26 The claims of the parties are:

27 Application 10/613,053: Claims: 24-26, 28, 29, 32, 34, 37-41,  
28 43, 44, 47, 53, 54, 59, 63, 64,  
29 73-106

30 Patent 7,314,971: Claims: 1-18

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<sup>1</sup> See 37 CFR § 41.104(b).

1

2 The claims of the parties which correspond to Count 1 are:

3       Application 10/613,053:       Claims: To be determined

4       Patent 7,314,971:            Claims: To be determined

5 The claims of the parties which do not correspond to Count 1, and, therefore,  
6 are not involved in the interference are:

7       Application 10/613,053:       Claims: To be determined

8       Patent 7,314,971:            Claims: To be determined

9 The parties are accorded the following benefit for Count 1:

10       Application 10/613,053:       None

11       Patent 7,314,971:            None

12 Part F. Heading to be used on papers

13       The following heading must be used on all papers filed in this  
14 interference, see SO ¶ 106.1.1:

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Hua Jin and Martin LaForest).

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Title of Paper

- 1 Part G. Order form for requesting file copies
- 2 When requesting copies of files, use of SO Form 4 will greatly
- 3 expedite processing of the request. Please attach a copy of Parts D and E of
- 4 this DECLARATION with a hand drawn circle around the patents and
- 5 applications for which a copy of a file wrapper is requested.

/Richard E. Schafer/  
Administrative Patent Judge

Enc:

Copy of STANDING ORDER

Copy U.S. Patent 7,314,971

Copy of claims of 10/613,053

cc (via overnight delivery):

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